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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
|---|-------------|----------------------|---------------------------------|-----------------------------|
| 09/615,638  | 07/13/2000  | Jason W. May         | 2043.106US1                     | 4663                        |
| 49845   | 7590        | 12/17/2008           |                                 |                             |
| SCHWEGMAN, LUNDBERG & WOESSNER/EBAY<br>P.O. BOX 2938<br>MINNEAPOLIS, MN 55402 |             |                      | EXAMINER<br>ALMATRAHI, FARIS S  |                             |
|   |             |                      | ART UNIT<br>3627                | PAPER NUMBER                |
|   |             |                      | NOTIFICATION DATE<br>12/17/2008 | DELIVERY MODE<br>ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@SLWIP.COM

# Office Action Summary

**Application No.**

09/615,638

**Applicant(s)**

MAY ET AL.

**Examiner**

FARIS ALMATRAHI

**Art Unit**

3627

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2 and 4-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of the Application***

1. This action is in reply to applicant amendment filed June 10, 2008.
2. Claim 19 has been amended.
3. Claim 3 has been cancelled.
4. Claims 1-2 and 4-39 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 4-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US Publication No. 2002/0099649 A1) in view of Cook (US Paten No. 6,853,987 B1), Findley (US Patent No. 6,108,642) and Tsiounis et al. (US Publication No. 2001/0039535 A1).

Lee et al. teach a method for detecting fraud when facilitating a payment transaction over the Internet, the method comprises receiving sales information pertaining to the purchase of a product (121), receiving payment information from a buyer (304), performing an automated analysis (112) to determine if fraud exists, (processing at least

some information associated with historical information in order to determine whether fraud is present) notifying the seller to send the product to the buyer (the fulfillment of the order) when no fraud exists and communicate to a human for fraud investigation when the analysis indicates potential fraud (104 and claim 7). It should also be noted that Lee et al. teach numerous fields including IP address, shipping address, billing address (Table 2) that are used in the automated analysis to determine fraud. Step 304, receive transactions, receives historical transaction data from merchants' e-commerce sites (sales facilitators). This information is used in the above analysis to determine fraud. Although Lee et al. teaches the fraud processing of the instant application, Lee et al. are silent as to the detection operation be conducted by the payment facilitator system.

However, it is a well-known business practice that fraud detection and credit verification is performed by the payment facilitator system at a point of sale device, such as disclosed by Cook. Specifically, Cook teaches a centralized authorization a fraud prevention system having a payment facilitator or payment intermediary. Accordingly, to provide the fraud detection at a payment facilitator system, as disclosed by Cook, in the system of Lee et al. would have been obvious for one having ordinary skill in the art at the time of the invention. The motivation for this change would have provided a consistent set of rules for fraud detection for multiple merchants.

Lee is silent to the interaction between the payment facilitator and the buyer's financial institution. Findley teaches a device for selectively blocking remote purchase request. Column 1 discusses several techniques of monitoring remote purchases. After getting

through the device the buyer's financial institution is directly contacted in order to authorize and settle up the account. It would have been obvious to incorporate the final settling up steps of Findley in the system of Lee in order to authorize and settle up the account.

Lee is silent to the interaction between the payment facilitator and the buyer. Tsiounis et al. teaches a method for making secure electronic payments. In figure 1, step 10, the customer selects an item and the merchant transmits back (e-mail) purchase information or invoice (see paragraph 0036). Steps 12 and 13 show the response to invoice and communicates with the payment facilitator 120. It would have been obvious to incorporate the communication between the buyer and a payment facilitator in the system of Lee in order to provide a more secure transaction.

Regarding claims 18 and 39, As noted above, Lee et al. teach all of the features of the claimed invention including sending communication to the seller; however, Lee et al. appears to be silent regarding sending communication to the purchaser. On the other hand, it is common for businesses to notify the purchasers that a transaction can not be completed due to processing flags which include overdrawn of an account, invalid or expired credit card number etc. Accordingly, it is believed that Lee et al teach sending a communication to the buyer. In order to specifically define such a teaching, Anderson et al. is submitted to show contacting a customer in the event of a problem (Fig. 3).

Accordingly, to include a communication to the buyer in the event of a problem with the transaction in the Lee et al. system, as suggested by Anderson et al. would have been obvious for one having ordinary skill in the art at the time of the invention. The

motivation for such a modification is seen in col. 5, lines 40-50, which details how customer relations are improved.

### ***Response to Arguments***

6. Applicant's arguments filed on June 10, 2008 have been fully considered but they are not persuasive

7. Regarding Applicants arguments that *there is no teaching in the Lee reference of receiving payment information from a buyer*. Lee discloses in Figure 1 information submitted by the buyer and specifically discloses payment information submitted by the buyer in Paragraph [0043]. The office action cited Tsiounis to teach the lacking feature in Lee of the interaction between the payment facilitator and the buyer. Tsiounis et al. teaches a method for making secure electronic payments. In figure 1, step 10, the customer selects an item and the merchant transmits back (e-mail) purchase information or invoice (see paragraph 0036). Steps 12 and 13 show the response to invoice and communicates with the payment facilitator 120. It would have been obvious to incorporate the communication between the buyer and a payment facilitator in the system of Lee in order to provide a more secure transaction.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faris Almatrahi whose telephone number is (571)270-3326. The examiner can normally be reached on Monday to Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Faris Almatrahi  
Examiner  
Art Unit 3627

FA

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627